

REMARKS

Claims 1-6 remain in the application and claims 1-3 have been amended hereby. Claims 7 and 8 have been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of claim 1 under 35 USC 102(e), as being anticipated by Kori et al.

Features of the present invention are a recording apparatus including reproduction means (21 in Fig. 1) for reproducing a recording medium (10 in Fig. 1), an internal memory (24 in Fig. 1), and a control circuit (41 in Fig. 1), wherein when the recording medium has previously been copied onto the internal memory, the recording medium is rejected from the reproduction means so that the data recorded on the recording medium is not recorded twice on the internal memory of the apparatus. A control table (Fig. 3) is searched to determine whether the recording media has been previously recorded on the internal memory. See steps S121, S131, and S132 of Figs. 2 and 5 of the present application, for example.

Independent claim 1 has been amended to emphasize these features of the present invention.

Looking at Kori et al. we see that there is no ejection of the recording medium when the recording medium has been previously recorded in an internal memory. Kori et al. teaches a copyright protection system and is silent about ejecting the recording medium.

Accordingly, it is respectfully submitted that amended

claim 1 is not anticipated by Kori et al.

Reconsideration is respectfully requested of the rejection of claims 2-6 under 35 USC 103(a), as being unpatentable over Kori et al. in view of Jones and Takenaka.

Features of the present invention are recording apparatus including a drive device (21 in Fig. 1) for reproducing a recording medium (10 in Fig. 1), a hard disk drive (24 in Fig. 1), and a control circuit (41 in Fig. 1), wherein when the recording medium has previously been copied onto the hard disk drive, the recording medium is ejected from the drive device so that the data recorded on the recording medium is not recorded twice on the hard disk drive of the apparatus. A control table (Fig. 3) is searched to determine whether the recording media has been previously recorded on the hard drive.

It is respectfully submitted that the combination of Kori et al., Jones, and Takenaka fails to show or suggest the ejection of a recording medium when the recording medium has been previously recorded in a hard drive.

Kori et al. relates to a copyright protection system and is silent about rejecting a recording medium and, because there are no features in Jones and Takenaka that somehow could be combined with Kori et al. and result in the presently claimed invention, it is respectfully submitted that amended independent claim 2, and the claims depending therefrom, are patentably distinct over Kori et al. in view of Jones and Takenaka.

Regarding Inoue, of record, it is respectfully submitted that the reference teaches to eject a recording medium when the medium has a record protecting switch on and, it is submitted that the reference is silent about ejecting the recording medium when the medium has been previously recorded on a hard drive.

The prior art made of record has been reviewed and is not seen to show or suggest the present invention as recited in the amended claims.

Entry of this amendment is earnestly solicited, and it is respectfully submitted that the amendments made to the claims hereby raise no new issues requiring further consideration and/or search, because all of the features of this invention have clearly been considered by the examiner in the prosecution of this application and because the present amendments serve only to further define and emphasize the novel features of this invention.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,  
COOPER & DUNHAM, LLP



Jay H. Maioli  
Reg. No. 27,213

JHM/PCF:pmc